

Attorney General

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Robert E. Corbin

March 11, 1988

Mr. Ray C. Roles, Chairman
Arizona Cost Efficiency Commission
Office of the Governor
State Capitol - Room 806
Phoenix, Arizona 85007

Re: I88-040 (R88-031)

Dear Mr. Roles:

You have asked whether the members of the Study Commission on Cost Reduction and Efficiency in State Government ("Commission") are required to file a financial disclosure statement. We conclude that the financial disclosure requirement of A.R.S. § 38-542 does not apply to Commission members, but that the Governor has the authority to require appointed executive officers to file financial disclosure statements.

A.R.S. § 38-542 requires "public officers" to file an annual verified financial disclosure statement. "Public officer," for purposes of this statute, is defined as

a member of the legislature and any judge of the court of appeals or the superior court, or a person holding an elective office the constituency of which embraces the entire geographical limits of this state. Members of congress are not public officers as defined in this paragraph.

A.R.S. §§ 38-541(8) (emphasis added). Members of the Commission are not elected, but are instead appointed by the Governor. Laws 1987 (2nd Spec. Sess.) Ch.3, § 2(B). Therefore, they are not encompassed within the definition of A.R.S. § 38-541(8) and are not required to file the financial disclosure statement of A.R.S. § 38-542. See Armer v. Superior Court, 112 Ariz. 478, 481, 543 P.2d 1107, 1111 (1975).

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Our inquiry does not end here, however. The Governor has the authority and duty to "supervise the official conduct of all executive and ministerial officers" and "[m]ay require any officer or board to make special reports to him upon demand in writing." A.R.S. § 41-101(A)(1), (8). Because Commission members are executive officers appointed by the Governor, the Governor may require them to file financial disclosure statements pursuant to the Governor's authority to supervise officials and require reports.^{1/}

Sincerely,



BOB CORBIN
Attorney General

BC:JGF:gm

^{1/}Note that while the criminal penalties of A.R.S. § 38-544 would not apply to such a report if required by the Governor, the criminal penalties of A.R.S. §§ 39-161 and 13-2311 would apply to the knowing filing of false or fraudulent reports.